

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKY KALEO ONAALII MANUEL,
Plaintiff
v.
CLARK COUNTY DETENTION CENTER,
Defendant

Case No. 2:21-cv-01803-APG-BNW

ORDER

I. DISCUSSION

On September 29, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center ("CCDC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed Application to Proceed in Forma Pauperis for Inmate, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court will grant Plaintiff a one-time opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$402 filing fee for this action on or before **November 30,**
 2 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of
 3 time.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 5 with all three required documents or pay the full \$402 filing fee on or before November
 6 30, **2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new
 7 case with the Court when Plaintiff is either able to acquire all three of the documents
 8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
 9 \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 11 case with the Court, under a new case number, when Plaintiff has all three documents
 12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 14 full filing fee of \$402 on or before **November 30, 2021** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 16 will not file the complaint unless and until Plaintiff timely files a fully complete application
 17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 20 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 21 as the document entitled information and instructions for filing an *in forma pauperis*
 22 application.

23 IT IS FURTHER ORDERED that on or before **November 30, 2021**, Plaintiff will
 24 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
 25 the \$52 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 28 signatures on page 3),


1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
5 Plaintiff must still submit an inmate account statement for the dates he has been present
6 at the facility.

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$402
9 filing fee for a civil action on or before **November 30, 2021**, this case will be subject to
10 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
11 number, when Plaintiff has all three documents needed to file a complete application to
12 proceed *in forma pauperis* or pays the full \$402 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No.1-1) but will not file it at this time.

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16 DATED: October 4, 2021

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19 Brenda Weksler
20 United States Magistrate Judge
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